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Required Reading

Moynihan's Farewell

When the Senate took up a measure Thursday setting spending levels estimated at \$9 billion for intelligence agencies, Senator Daniel Patrick Moynihan used the occasion for a valedictory address.

The New York Democrat was one of the first legislators to win a seat on the Senate Select Committee on Intelligence, established in 1976 along with a similar panel in the House to give Congress better control over intelligence matters. He has been vice chairman four years but gave up his seat on the panel with the adjournment of Congress.

Excerpts from his speech:

This will provide the largest budget for an intelligence community that has ever been made available by this Congress and which I think can fairly be judged the largest ever to have been provided by any nation at any point in history.

This is eight consecutive years the intelligence budget has grown. This has been a bipartisan effort.

The experiment — it was that — of establishing an intelligence committee in each body has succeeded in restoring the resources of the intelligence community, and we certainly hope its capacity.

There has, however, been one failure in the relations of the intelligence community and the committee so far. This has had to do with the operations of the United States Government in Central America, specifically in Nicaragua.

This failure arose from the decision of the Director of Central Intelligence not to consult with our committees, not to take us into his agency's confidence and ask our advice about a hugely significant covert action, the mining of Nicaraguan harbors.

For some years the committees had provided the moneys requested to support paramilitary operations in Central America. We did so on the grounds that international law not only authorized the United States to do so, but even obligated it to do so, it being the case that the Government of Nicaragua was supporting efforts to

subvert its neighbor, El Salvador. Under the Rio Treaty and the Charter of the O.A.S., we had that right, if indeed not an obligation.

Whilst we were doing this, the Central Intelligence Agency made the decision to go forward with a particular act, the mining of harbors in Nicaragua, which was arguably also a violation of international law. Had the committees been informed in advance, I like to think we would have urged the intelligence community not to do this. Perhaps, expecting that, the community chose not to tell the committees, although the clear requirement of the statute is that the committee be informed by the Director of Central Intelligence in advance of any "significant anticipated activity." We were not informed.

When, inevitably, the operation was reported in the press, inevitably the question arose: Why were we not informed? Inevitably there was a loss of confidence which was grievous to the policies of the Administration in one of the most central foreign policy issues of the time.

In a few moments from now we will pass a continuing resolution which will put an end to the Nicaraguan program. What, if anything, will happen next year we cannot know. But, the present program, from this moment on, is discontinued.

With the greatest respect and regret I state that this has happened in no small measure because the committees were not consulted, as they were required to be. If the Secretary of State, or the President, would look to where the failure took place, it was in the relationship of trust that was supposed to have existed between the committee and the intelligence community.

In the aftermath we have reached an agreement — I should like particularly to thank Mr. McFarlane, the President's national security adviser, for having been so instrumental in bringing it about — in which we have a clear understanding as to what is "significant" and what will be judged to be a "significant anticipated activity." In a word, anything the President is required to approve the committees are required to be informed of.

A number of persons on the staff of the Select Committee on Intelligence — dedicated, able, professional mem-

bers of our staff, committed to the work of the Senate — let it be known to the intelligence community that they thought the community's actions had been harmful to the foreign policy of the United States, harmful to the President's ability to carry forth his policy, predicting, in effect, what Congress would one day do, what we are about to do this morning.

Thus our able staff director, Robert R. Simmons, let it be known, in response to inquiries, that the C.I.A. had delayed for six weeks a committee request for a briefing on events then taking place in Nicaragua. On April 17 The New York Times reported that the C.I.A. confirmed Mr. Simmons's plain and forthright statement.

In a manner that I do not believe has precedent, representatives of the intelligence community came to officials of this body and members of this body and called for the discipline of, or generally speaking expressed their severe displeasure with, a member of the select committee staff.

I regret to bring this to the attention of the Senate, but I have the responsibility. I must speak on committee matters. It is a grievous thing, in the aftermath of eight full years of continued support, when honest counsel is offered in confidence to that committee and the result is to seek to silence that counsel.

That mentality brings about failure. And that ought to be understood, that the failure does not come to rest in the legislative branch; it comes to rest in the executive.

If anybody in the State Department will wish to know why Congress will pass the continuing resolution it does today, let them look to those persons who had so little faith in the executive-legislative relationship which we established, who thought they could deal with members of our staff as they might with persons representing no authority in the real world.

It is with such considerations in mind that Senator Goldwater [chairman of the intelligence committee] and I have proposed that the Director and Deputy Director of Central Intelligence be career intelligence officers.

This will likely be my last statement as a member of the intelligence committee. I have said what I had to say. And so to my duties, adieu.



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